

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

THOMAS KOVACH, ET AL.,) CASE NO.1:07CV2584
Plaintiff,)
Vs.) JUDGE CHRISTOPHER A. BOYKO
ZURICH AMERICAN INSURANCE) OPINION AND ORDER
CO.,)
Defendant.)

CHRISTOPHER A. BOYKO, J:

Pursuant to the Sixth Circuit Court of Appeals Judgment and Order in the above captioned matter, Judgment is entered in favor of Plaintiffs in the prayed for amount of \$125,000 plus interest. Plaintiffs have also requested an award of attorneys fees and costs pursuant to 28 U.S.C. § 1132(g)(1) which states:

(g) Attorney's fees and costs; awards in actions involving delinquent contributions

(1) In any action under this subchapter (other than an action described in paragraph (2)) by a participant, beneficiary, or fiduciary, the court in its discretion may allow a reasonable attorney's fee and costs of action to either party.

Because the award of attorneys fees and costs is discretionary, the Court Orders Plaintiffs' to submit a short brief, not to exceed five pages, in support of their prayer for attorneys fees and costs. Plaintiff's counsel shall also submit an itemized accounting of attorneys fees and costs incurred supported by affidavit. Plaintiff's counsel shall submit the

above no later than February 26, 2010. Defendant shall submit its opposition, if any, no later than March 5, 2010. The opposition brief shall not exceed five pages.

IT IS SO ORDERED.

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

February 19, 2010